

**MEDICAL EXAMINING BOARD
REGULAR MEETING
OCTOBER 22, 2003**

MEMBERS PRESENT: Drs. Lief Erickson, Alfred Franger, Ronald Grossman, Jon Gudeman, Daniel Miota, Sandra Mahkorn, Bhupinder Saini, and Mary Cook and Virginia Heinemann

MEMBERS EXCUSED: Drs. Sidney Johnson, Jack Lockhart, Ian Munro, and Karen Kalishek

STAFF PRESENT: Tom Ryan, Bureau Director; Wayne Austin, Legal Counsel; Pamela Meicher, Program Assistant; and DOE staff for a portion of the meeting

GUESTS: Mark Grapentine, State Medical Society of Wisconsin; Shelley Raebel, PharmD, Purdue Pharma; Linda Eggert and Don Cody, Wisc. TV

CALL TO ORDER

Vice Chair Virginia Heinemann called the meeting to order at 8:04 a.m.

APPROVAL OF AGENDA

Amendments:

2004 Medical Examining Board Meeting Dates
Letter from State Representative Gregg Underheim
Summary Reports on Pending Court Cases, Disciplinary Cases, Administrative Rules and Legislation
2003 Assembly Bill 397
Letter from Virginias' Dermatology, Inc.
Memorandum – Consideration of Draft of Final Decision and Order in Disciplinary Proceedings Against William Faber, DO
Gilbert v. Medical Examining Board 119 Wis.2d 168 (1984)
New Jersey Board Discusses Chaperone Regulation
Presentation of Petition and Request for extension of time in case number 01 MED 074
Presentation of Proposed Stipulation and Final Decision and Order in case number 01 MED 326
Presentation of Complaint in Case number 02 MED 389 Complaint
Presentation of Final Decision and Order case number 00 MED 044
Presentation of Proposed Stipulation in case number 00 MED 062
Workshop Report from Mary Cook

MOTION: Jon Gudeman moved, seconded by Mary Cook, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES SEPTEMBER 24, 2003

MOTION: Daniel Miota moved, seconded by Ronald Grossman, to approve the minutes of September 24, 2003, as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Tom Ryan discussed the 10/14/03 Board Workshop, the 2004 Medical Examining Board meeting dates, and the Citizen Advocacy Center 2003 Annual Meeting.

MOTION: Daniel Miota moved, seconded by Alfred Franger, in favor of sending Mary Cook to the next Citizen Advocacy Annual meeting. Motion carried unanimously.

MOTION: Alfred Franger moved, seconded by Mary Cook, in favor of sending another Board member or Department staff to the FSMB Clinical USMLE Skills Lab, in place of Patty Darwin. Motion carried unanimously.

MOTION: Sandra Mahkorn moved, seconded by Ronald Grossman, to approve the 2004 Medical Examining Board meeting dates. Motion carried unanimously.

PRESENTATION OF PETITION AND REQUEST FOR EXTENSION OF TIME IN CASE NUMBER 01 MED 074 BY ATTORNEY STEVE GLOE

DOE Attorney Steve Gloe presented the petition and request for extension of time in case number 01 MED 074. This matter will be deliberated on in closed session.

PRESENTATION OF PROPOSED STIPULATION AND FINAL DECISION AND ORDER IN CASE NUMBER 01 MED 074 BY ATTORNEY STEVE GLOE

DOE Attorney Steve Gloe presented the Proposed Stipulation Final Decision and Order in case number 01 MED 074. This matter will be deliberated on in closed session.

MOTION TO CLOSE PROCEEDINGS IN CASE NUMBER 01 MED 074 BY ATTORNEY STEVE GLOE

DOE Attorney Steve Gloe presented a motion to close proceedings in case number 01 MED 074. This matter will be deliberated on in closed session.

PRESENTATION OF COMPLAINT IN CASE NUMBER 01 MED 074 BY ATTORNEY STEVE GLOE

DOE Attorney Steve Gloe presented a Complaint in case number 01 MED 074. This matter will be deliberated on in closed session.

PRESENTATION OF PROPOSED STIPULATION AND FINAL DECISION AND ORDER IN CASE NUMBER 01 MED 326 BY ATTORNEY STEVE GLOE

DOE Attorney Steve Gloe presented the Proposed Stipulation Final Decision and Order in case number 01 MED 326. This matter will be deliberated on in closed session.

PRESENTATION OF PROPOSED STIPULATION AND FINAL DECISION AND ORDER IN CASE NUMBER 00 MED 062 BY ATTORNEY PAMELA STACH

DOE Attorney Pamela Stach presented the Proposed Stipulation Final Decision and Order in case number 00 MED 062. This matter will be deliberated on in closed session.

LEGISLATIVE ACTIVITY

TESTIMONY OF DEPUTY MARY SCHLAEFER BEFORE THE JOINT LEGISLATIVE AUDIT COMMITTEE

Tom Ryan discussed the testimony of Deputy Mary Schlaefer before the Joint Legislative Audit Committee.

MOTION: Alfred Franger moved, seconded by Ronald Grossman, in favor of the Board sending a letter to the Legislative Audit Bureau requesting that the DRL fee study audit be completed by February 1, 2004 and advising the legislature on the Board's concerns regarding the current fee structure. Motion carried unanimously.

CORRESPONDENCE TO LEGISLATURE FROM SEPTEMBER MEB MEETING

The Board briefly discussed the Perfusionists Rule and Senate Bills 226 and 227. Due to the significant implications for the Medical Examining Board, they are requested that the Committee delay the Executive Session until after the Board's November meeting.

SENATE BILL 227

Tom Ryan advised the Board that Senate Bill 227 had been passed by the Senate Health Committee. The Board will further discuss the bill at the November meeting.

ADVANCE PRACTICE NURSE PRACTITIONER LITERATURE REVIEW AND LEGISLATION

The Board reviewed and discussed the literature and legislation covering Advance Practice Nurse Practitioners.

PHYSICIAN PROFILING MEMORANDUM AND SENATE BILL 226

The Board has decided to delay discussion of physician profiling.

ASSEMBLY BILL 397

The Board briefly discussed Assembly Bill 397 covering chelation therapy.

MOTION: Sandra Mahkorn moved, seconded by Ronald Grossman, in favor of the Board Chair advising the Committee on Health that the Board believes that Assembly Bill 397, relating to Chelation Therapy, is unnecessary. Motion carried unanimously.

COMPLIANCE QUESTION – ZENOUN O. ABOUZELAN, MD – REQUEST FOR WAIVER OF WIS. ADMIN. CODE § MED 8.10

MOTION: Alfred Franger moved, seconded by Daniel Miota, in favor of denying submission request for waiver of Wis. Admin. Code § 8.10 in the matter of Zenoun O. Abouzelan, MD. Motion carried unanimously.

COMPLIANCE QUESTION – DONALD G. IVES, MD – PLEASANT PRAIRIE, WI – REQUEST FOR WAIVER OF WIS. ADMIN. CODE § MED 13.10 (2)

MOTION: Mary Cook moved, seconded by Ronald Grossman, in favor of granting a waiver of Wis. Admin. Code § 13.02 (2) in the matter of Donald G. Ives, MD. Motion carried unanimously.

INFORMATIONAL ITEMS

Noted.

REPORT OF SCREENING COMMITTEE

Virginia Heinemann reported the Screening Committee reviewed 29 cases. Six cases were opened, 22 cases were not opened and one case required more information.

The Screening Panel for November will be Drs. Johnson, Lockhart, and Virginia Heinemann.

RECESS TO CLOSED SESSION

MOTION: Alfred Franger moved, seconded by Bhupinder Saini, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation with administrative warning (Wis. Stat. § (1) (b)), and Wis. Stat. § 440.205; consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call vote: Drs. Lief Erickson – yes, Alfred Franger – yes, Ronald Grossman – yes, Jon Gudeman, Sandra Mahkorn-yes, Daniel Miota – yes, Bhupinder Saini yes, and Mary Cook-yes, Virginia Heinemann-yes. Motion carried unanimously.

Open session recessed at 9:27 a.m.

RECONVENE IN OPEN SESSION

MOTION: Alfred Franger moved, seconded by Ronald Grossman, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 12:47 p.m.

DELIBERATION OF THE STIPULATION IN CASE NUMBER 00 MED 062

MOTION: Ronald Grossman moved, seconded by Daniel Miota, to adopt the Final Decision, Order and Stipulation in the matter concerning case 00 MED 062. Bhupinder Saini abstained. Motion carried.

DELIBERATION OF THE STIPULATION IN CASE NUMBER 01 MED 326

MOTION: Alfred Franger moved, seconded by Daniel Miota, to adopt the Final Decision, Order and Stipulation in the matter concerning case 01 MED 326. Sandra Mahkorn abstained. Vote taken: Mary Cook-yes, Lief Erickson-yes, Alfred Franger-yes, Ronald Grossman-no, Jon Gudeman-yes, Virginia Heinemann-yes, Daniel Miota-yes, Bhupinder Saini-yes. Motion carried.

ISSUE COMPLAINT – 02 MED 389

MOTION: Ronald Grossman moved, seconded by Bhupinder Saini, in favor of a finding of probable cause that the licensee conduct in case 02 MED 389 is unprofessional, that a complaint be issued, and that a hearing be held. Lief Erickson abstained. Motion carried.

APPROVE WORKSITE – LANCE YEOMAN

MOTION: Ronald Grossman moved, seconded by Lief Erickson, to approve the new worksite for Lance Yeoman. Motion carried unanimously.

ISSUE COMPLAINT – 01 MED 074

MOTION: Mary Cook moved, seconded by Lief Erickson, in favor of a finding of probable cause that the licensee conduct in case 01 MED 074 is unprofessional, that a complaint be issued, and that a hearing be held. Daniel Miota abstained. Motion carried.

PETITION AND REQUEST FOR EXTENSION OF TIME – 01 MED 074

MOTION: Alfred Franger moved, seconded by Ronald Grossman, in favor of the petition and request for an extension of time in the matter of case 01 MED 074. Motion carried unanimously.

ISSUE COMPLAINT – 01 MED 074

MOTION: Mary Cook moved, seconded by Lief Erickson, in favor of a finding of probable cause that the licensee conduct in case 01 MED 074 is unprofessional, that a complaint be issued, and that a hearing be held. Daniel Miota abstained. Motion carried.

CLOSE PROCEEDINGS – 01 MED 074

MOTION: Mary Cook moved, seconded by Lief Erickson, in favor of closing the proceedings in the matter of case 01 MED 074. Motion carried unanimously.

**DELIBERATION OF AMENDED FINAL DECISION AND ORDER –
WILLIAM J. FABER, DO**

MOTION: Alfred Franger moved, seconded by Ronald Grossman, to adopt the amended Final Decision, Order and Stipulation in the matter of William J. Faber, DO. Bhupinder Saini abstained. Motion carried.

**COMPLIANCE QUESTION – JAMES A. SLADKY, MD – REQUEST FOR WAIVER OF
WIS. ADMIN. CODE § MED 13.02 (2)**

MOTION: Alfred Franger moved, seconded by Ronald Grossman, in favor of granting a waiver to Wis. Admin. Code § 13.02 (2) in the matter of James Sladky, MD. Motion carried unanimously.

**PETER PARK, MD – APPEARANCE AND REQUEST FOR 3-MONTH STAY OF
SUSPENSION, WITH MODIFICATIONS**

MOTION: Sandra Mahkorn moved, seconded by Ronald Grossman, to grant a three month stay of suspension in the matter of Peter Park, MD, and modify his order so that he may use his DEA license. Motion carried unanimously.

**TIMOTHY STAACKKE, MD – APPEARANCE AND REQUEST FOR THREE MONTH
STAY OF SUSPENSION AND APPROVAL OF PROFESSIONAL MENTOR**

MOTION: Alfred Franger moved, seconded by Mary Cook, to grant a three month stay of suspension in the matter of Timothy Staacke, MD, and approve his new professional mentor. Motion carried unanimously.

**THEODORE GALVANI, JR., MD – REQUEST FOR THREE MONTH STAY OF
SUSPENSION**

MOTION: Ronald Grossman moved, seconded by Bhupinder Saini, to grant a six month stay of suspension in the matter of Theodore Galvani, Jr., MD. Motion carried unanimously.

**RICHARD HELFFRICH, MD – REQUEST FOR THREE MONTH STAY OF
SUSPENSION**

MOTION: Lief Erickson moved, seconded by Alfred Franger, to grant a three month stay of suspension in the matter of Richard Helffrich, MD. Motion carried unanimously.

KENNETH SPARR, MD – REQUEST FOR THREE MONTH STAY OF SUSPENSION

MOTION: Alfred Franger moved, seconded by Ronald Grossman, to grant a three month stay of suspension in the matter of Kenneth Sparr, MD. Motion carried unanimously.

ROBERT VINCENT, MD – REQUEST FOR THREE MONTH STAY OF SUSPENSION

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to grant a three month stay of suspension in the matter of Nicholas Geimer, MD. Motion carried unanimously.

CASE STATUS REPORT

MOTION: Daniel Miota moved, seconded by Sandra Mahkorn, to close complaints **03 MED 042, 03 MED 044, 03 MED 049, 03 MED 060, 03 MED 062, 03 MED 064, 03 MED 090, 03 MED 106** for prosecutorial discretion. Motion carried unanimously.

MOTION: Sandra Mahkorn moved, seconded by Alfred Franger, to close complaint **03 MED 218** for no violation. Motion carried unanimously.

MOTION: Sandra Mahkorn moved, seconded by Bhupinder Saini, to close complaint **03 MED 284** for no violation. Motion carried unanimously.

MOTION: Sandra Mahkorn moved, seconded by Mary Cook, to close complaint **03 MED 295** for no violation. Hand vote taken: 3 votes– no, 6 votes-yes. Motion carried.

MOTION: Bhupinder Saini moved, seconded by Alfred Franger, to close complaint **03 MED 182** for compliance gained. Motion carried unanimously.

MOTION: Bhupinder Saini moved, seconded by Alfred Franger, to close complaint **01 MED 081** for insufficient evidence. Motion carried unanimously.

MOTION: Daniel Miota moved, seconded by Jon Gudeman, to close complaint **02 MED 425** for insufficient evidence. Motion carried unanimously.

MOTION: Sandra Mahkorn moved, seconded by Alfred Franger, to close complaint **02 MED 413** for no violation. Motion carried unanimously.

MOTION: Daniel Miota moved, seconded by Sandra Mahkorn, to close complaint **03 MED 130** for no violation. Motion carried unanimously.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to ratify the applicants as licensed to practice medicine and surgery in the State of Wisconsin. Motion carried unanimously.

MOTION: Ronald Grossman moved, seconded by Alfred Franger, to ratify the applicants as licensed to practice as physician assistants in the State of Wisconsin. Motion carried unanimously.

ADJOURNMENT

MOTION: Daniel Miota moved, seconded by Ronald Grossman, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:53 p.m.